

REMARKS

After the foregoing Amendment, Claims 1 – 3, 5 – 8, 10 – 15, 17, 19 – 24 and 26 – 39 are currently pending in this application. Claims 1, 6, 12, 23, 38, and 39 been amended. By this amendment claim 16 has been cancelled, and claims 4, 9, 18 and 25 were previously cancelled. Claims 30 – 37 have been withdrawn as non-elected claims in response to the restriction requirement. Applicant submits that no new matter has been introduced into the application by these amendments.

Telephonic Interview

The Examiner and his Supervisor are thanked for granting a telephonic interview with the Applicant's representative on September 17, 2008. During the interview the claims were discussed in view of the sample closures of the claimed invention provided to the Examiner.

Claim Rejections - 35 USC §112

Claims 38 and 39 were rejected in the Action under 35 U.S.C. §112, second paragraph as being indefinite. Specifically the Action states: “Although the claim is dependent on claim 1, a method of making a guarantee closure, the claim appears to be drawn to an apparatus used in making said closure.” The amendments to claims 38 – 39 obviate the rejection. Claims 38 and 39 serve to further limit claims

1 and 6, respectively, by providing the further step of **dividing the mould** into two chamber parts, a first chamber part in which the cap is formed and a second chamber part in which the ring member is formed.

Based on the amendments and arguments presented above, withdrawal of the Section 112 rejection of claims 38 and 39 is respectfully requested.

Claim Rejections - 35 USC §103(a)

Claims 1 – 3, 5 – 8, 10 – 17, 19 – 24 and 26 – 29 were rejected under 35 U.S.C. §103(a) as obvious over Dubach (USP No. 5,558,239) in view of Leach (USP No. 2,961,119) in view of Schumacher (USP No. 5,540,343)

Applicant respectfully traverses the rejection.

Independent claim 1 is directed to a method for providing a hinged guarantee closure for a container. The closure includes a non-threaded cap with an integral closing member for closing cooperation with an opening in the container. The closure also includes a ring member for connection to the container. The ring member encircles the container at a position such that the ring member is prevented from moving axially relative to the container. The method includes injection moulding the guarantee closure in a closed state, with a guarantee seal. The closure is injection moulded by using a mould having a collapsible core. The closure is moulded in such a form that the moulded closure includes the cap and the

ring member, connected by a hinge element and at least one guarantee connection, axially spaced from each other. The guarantee connection is formed generally flush with exterior surfaces of the cap and ring members and the hinge element is located at a periphery of the cap.

Independent claim 6 is directed to a method for providing a hinged guarantee closure on a container opening. The closure includes a non-threaded cap having an integral closing member for closing cooperation with the container opening and a ring member for connection to the container. The ring member encircles the container at a position such that the ring member is prevented from moving axially relative to the container. The method includes injection moulding the closure in a closed state, with a guarantee seal. The closure is injection moulded by using a mould having a collapsible core. The closure is moulded in such a form that the moulded closure includes the cap with the integral closing member and the ring member, connected by a hinge and guarantee connection connected to the cap, and axially spaced relative to the cap. The hinge is located at a periphery of the cap, and the closure is made having a coupling part. The guarantee connection is formed generally flush with exterior surfaces of the cap and ring members and the container is provided with a coupling part that cooperates therewith.

Independent claim 12 is directed to a hinged guarantee closure for an opening in a container. The closure includes a non-threaded cap having an integral

closing member for cooperation with the opening, and a ring member for connection to the container. The ring member encircles the container at a position such that the ring member is prevented from moving axially relative to the container. The cap and ring member are connected by a hinge element and at least one guarantee connection. The hinge member comprises a coupling part that is an internal circumferential snap edge and is located at a periphery of the cap. The ring member is axially spaced relative to said cap. The guarantee connection is generally formed flush with exterior surfaces of the cap and ring members.

Independent claim 23 is directed to a container having a hinged guarantee closure for an opening in the container. The closure includes a non-threaded cap having an integral closing member for cooperation with the opening, and a ring member for connection to the container. The ring member encircles the container at a position such that the ring member is prevented from moving axially relative to the container. The guarantee closure is injection moulded and formed in a closed state, with a guarantee seal. The cap and ring member are connected by a hinge element and at least one guarantee connection. The hinge element is located at a periphery of the cap and the ring member is axially spaced relative to the cap and has a coupling part. The container is provided with a coupling part for cooperation with the ring member coupling part. The guarantee connection is formed generally flush with exterior surfaces the cap and ring members.

The closure in Dubach, in contrast to the closure according to the currently claimed invention, cannot be moulded in a closed state (see Fig, 5). Further, it does not include a closing member for closing cooperation with an opening in the container as is claimed. Rather, it closes an opening in the lower part of the closure itself. Regarding Schumacher, as in Dubach, the closure does not close with an opening of the container as is claimed. "The locking cover 3 is pot-shaped and can have a centrally or de-centrally positioned stopper element which seals tightly a congruent opening of a discharge socket in the cover of the locking housing 2. (Column 3, lines 61-64). As a result, like the closure of Dubach, it too cannot be moulded in a closed state. Dubach and Schumacher represent some of the disadvantages which the claimed invention solves. First, extra material is needed for making the opening and adjacent structures (i.e. the opening in the closure is being closed, not that of the container). Second, moulding in an open state requires more space when moulding. Third, extra process steps (and with it extra time and energy) are required in order to close the closure and then seal the guarantee closure.

Leach shows a threaded closure which is in contrast to the claimed invention which, includes the limitation that the closure is unthreaded. There is no mention

whatsoever in any of the three cited references of forming the closure by injection moulding using a collapsible core in the mould as is claimed. Furthermore, if the Leach-closure was to be moulded in a closed state, one would need a collapsible core in order to pull the core past the internal annular flange 20 after moulding. However, the core cannot be collapsible due to the internal stopper portion 27. Thus, the Leach-closure will have to be moulded in an open state as well. Another feature that distinguishes Leach from the present invention is that the "ring member", or internal annular flange 20, will not prevent the closure from moving axially relative to the container, as does the ring member according to the present invention.

An axial spacing between the ring member and the cap cannot be accomplished when moulding in a closed state without the collapsible core. With a non-collapsible core, this space must be radial, in which case the core can be pulled right out of the space. With the closure of the claimed invention, parts of the collapsible core are withdrawn in a radial direction, out of the space, before pulling the core out of the moulded closure in the axial direction.

Claims 2-3 and 5; 7-8 and 10-11; 13-15 and 19-22; 24, and 26-29 are dependent upon claims 1, 6, 12, and 23, respectively, which the Applicant believes is/are allowable over the cited prior art of record for the same reasons provided above.

Applicant: Svein Myhre
Application No.: 10/501,119

Based on the arguments presented above, withdrawal of the Section 103(a) rejection of claims 1 – 3, 5 – 8, 10 – 17, 19 – 24 and 26 – 29 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that another telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Svein Myhre
Application No.: 10/501,119

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1 – 3, 5 –8, 10 – 15, 17, 19 – 24, 26 – 29, and 38 - 39 is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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